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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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D.A. 123/93.

Dt.of Decision : 28-09-95.

A. Devadanam

.. Applicant.

Vs.

1. The Railway Board  
Rep. by its Chairman,  
Rail Bhawan, New Delhi.

2. The General Manager,  
SC Rly, Secunderabad.

3. The Divl. Railway Manager,  
SC Rly, Guntakal,  
Anantapur District.

4. The Sr.Divl. Mech.Engineer(Loco),  
SC Rly, Guntakal, Anantapur(Dist).

.. Respondents.

Counsel for the Applicant : Mr. P.Krishna Reddy

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

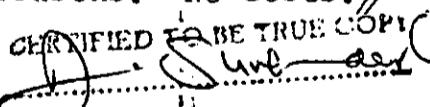
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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of Bangalore CAT held that an application under sec.19 of A.T. Act, 1985 is not maintainable in order to claim benefit of judgment which is jus in REM when it was denied to the similarly situated persons, the remedy is by way of a petition under the Contempt of Courts Act in the appropriate judicial forum and hence even if the judgment in Reddappa's case is held as jus in REM, this OA is not maintainable.

8. When similar contentions were raised in an identical case bearing O.A.No.48/93 on the file of this Tribunal, it was held by us by order dt. 28.9.1995 that there is force in the contention of the respondent's counsel and further held that it is not necessary for disposal of that OA as to whether judgment in Reddappa's case is jus in REM or not. It was also held by us in that OA that the order of the A.P.High Court in W.P.No.1482/82 having become final, cannot be re-opened in this OA. It was also held that the order of the Railway Board (R-1) dt. 18.9.1992 wherein some ex-gratia payment was granted was not violative of the Supreme Court's order in Reddappa's case. For reasons stated therein, OA No.48/93 was dismissed.

9. As the prayer in this OA is same as the prayer in OA No.48/93 and the contentions are also same, this OA is also dismissed for the same reasons. No costs.

CHERIFIED TO BE TRUE COPY  
  
Date ..... 25/10/95  
Court Officer  
Central Administrative Tribunal  
Hyderabad Bench  
Hyderabad.

To

1. The Chairman, Railway Board,  
Railbhan, New Delhi.
2. The General Manager, S.C.Fly, Secunderabad.
3. The Divisional Railway Manager, S.C.Fly, Guntakal, Anantapur Dist.
4. The Sr.Divisional Mech.Engineer(Loco)  
S.C.Fly, Guntakal, Anantapur Dist.
5. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
6. One copy to Mr.N.P.Revraj, S.C.Fly, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm

Reg. - Petition for adding the additional grounds

Before the Central Administrative  
Tribunal: at Hyderabad.

M.A.NO. of 1994  
in  
O.A.NO. 123 of 1993.



To permit the applicant by  
adding the Additional Ground.

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M/s.P.Krishna Reddy &  
Smt.P.Sarada,  
Counsel for the Applicant.

may be filed  
as  
4/11/94.